

S. 139 – FISA Amendments Reauthorization Act vs. H.R. 4124 - USA RIGHTS Act

Section 702 of FISA authorizes the surveillance of foreigners outside the U.S., but it has been used to warrantlessly collect the communications of Americans. With little oversight, this data can then be searched without a warrant and used for a wide range of purposes—including criminal prosecutions—unrelated to foreign intelligence. S. 139 reauthorizes sec. 702 without addressing any of these issues. The **USA RIGHTS Act** reauthorizes sec. 702 to allow the intelligence community to do its job and conduct foreign surveillance, including on terrorists, with basic reforms to protect Americans:

Collection reforms

- ✓ Prohibits the government from collecting communications that it knows are fully domestic and prohibits the government from intentionally collecting communications which aren't sent to or from an actual surveillance target, which tends to result in substantially more Americans' data being collected
- ✓ Prohibits the reverse targeting of Americans, where the government "targets" a foreigner's communications largely for the purpose of sweeping in an American's communications
- ✓ Requires approval from the Foreign Intelligence Surveillance Court for the government to force American companies to assist with sec. 702 surveillance and requires the assistance to be necessary and narrowly tailored

Backdoor search reform

- ✓ Requires a warrant to search the government's database of sec. 702 data for communications to, from, or about an American

Use reforms

- ✓ Ensures that our foreign intelligence programs are used for foreign intelligence purposes by preventing the use of warrantlessly collected sec. 702 data against Americans in court unless the proceeding involves preventing terrorism, espionage, use of a weapon of mass destruction, incapacitation of critical infrastructure, foreign cyber threats, or threats to U.S. personnel or our allies
- ✓ Strengthens the existing requirement that the government give due notice to defendants when sec. 702 data is used against them in court

The USA RIGHTS Act is supported by a nonpartisan coalition, including ACLU, FreedomWorks, NAACP, Campaign for Liberty, and more.